

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

Plaintiff,

v.

ORDER

O. SCOTT DREXLER, et al.,

(Mots for Disclosure – ECF Nos. 1038, 1041)

Defendants.

This matter is before the court on Defendant O. Scott Drexler's Motion for Required Disclosure of Evidence (ECF No. 1038), and Motion for Early Disclosure of Jencks Material and Timely Disclosure of *Brady/Giglio* Material (ECF No. 1041). These Motions are referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 and 1-7 of the Local Rules of Practice. The court has considered the Motions, the Joinder of Defendant Steven A. Stewart (ECF No. 1051), and the Government's Responses (ECF Nos. 1134, 1136). No reply briefs were filed and the deadline for doing so has now expired.

Mr. Drexler's Motions seek an order setting a disclosure deadline no later than 30 days prior to trial for all evidence the government intends to offer pursuant to Rule 404(b) of the Federal Rules of Evidence as well as for all Jencks, *Brady*, and *Giglio* materials. The court has previously addressed these very issues in relation to Defendant Steven Stewart's ("Stewart") Memorandum in Support of Defendant's Motion for Timely Production of *Giglio* Material (ECF No. 749) and Defendant Ryan W. Payne's Motion Requesting Deadlines on Discovery Matters (ECF No. 862). The court granted Stewart's motion to the extent the government was ordered to produce non-Jencks *Giglio* material no later than 30 days before trial. The motion was denied in all other respects. *See* Nov. 18, 2016 Order (ECF No. 996). The court granted Payne's motion to the extent that the following additional case management deadlines were imposed:

- A. The government shall provide the expert disclosures required by Fed. R. Cr. P. 16(a)(1)(G) no later than January 6, 2017 for those defendants the court determines will proceed to trial on February 6, 2017.
- B. The defendants the court determines will proceed to trial on February 6, 2017 shall provide expert disclosures required by Fed. R. Cr. P 16(b)(1)(C) no later than January 6, 2017.
- C. The government shall provide the disclosures required by Fed. R. Cr. P. 16(a) no later than December 5, 2016 for those defendants the court determines will proceed to trial February 6, 2017.
- D. The defendants the court determines will proceed to trial February 6, 2017 shall have until December 5, 2016 to provide the reciprocal discovery required under Fed. R. Cr. P 16(b)(1)(A), (B) and (C) and any notice of defense required by Rule 12.1.
- E. The government shall provide the disclosures required by *United States v. Henthorn*, 931 F. 2d. 29 (9th Cir. 1991) applicable to those defendants the court determines will proceed to trial February 6, 2017 no later than January 6, 2017.
- F. The government shall provide co-defendant statements implicating the *Bruton* Rule, applicable to those defendants the court determines will proceed to trial on February 6, 2017, along with any proposed reactions, no later than December 6, 2016.

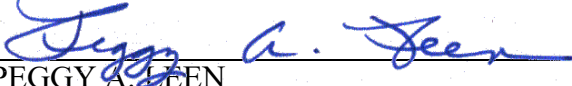
See Nov. 22, 2016 Order (ECF No. 1017) at 8. No defendant filed objections or asked the district judge to review the order. Drexler's Motions do not provide justification to reconsider any particular deadline. Rather, it appears that Drexler's new counsel may be unaware of the previous rulings.

Accordingly,

IT IS ORDERED:

1. Defendant Steven A. Stewart's Motion for Joinder (ECF No. 1051) is **GRANTED** in that he is granted leave to join in the substantive argument.
2. Defendant O. Scott Drexler's Motion for Required Disclosure of Evidence (ECF No. 1038), and Motion for Early Disclosure of Jencks Material and Timely Disclosure of *Brady/Giglio* Material (ECF No. 1041) are **DENIED to the extent they request relief broader than the court ordered in its prior orders (ECF Nos. 996 & 1017).**

Dated this 10th day of January, 2017.


 PEGGY A. ZEEN
 UNITED STATES MAGISTRATE JUDGE